

## **Chapter 81**

### **Retired Volunteer Health Care Practitioner Act**

#### **58-81-101 Title.**

This chapter is known as the "Retired Volunteer Health Care Practitioner Act."

Enacted by Chapter 263, 2009 General Session

#### **58-81-102 Definitions.**

For purposes of this chapter:

- (1) "Board" means the state licensing board created for each of the health care practitioners included in Subsection (2).
- (2) "Health care practitioner" includes:
  - (a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;
  - (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
  - (c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;
  - (d) a recreational therapist licensed under Chapter 40, Recreational Therapy Practice Act;
  - (e) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
  - (f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;
  - (g) a mental health professional licensed under Chapter 60, Mental Health Professional Practice Act;
  - (h) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
  - (i) a physician licensed under Chapter 67, Utah Medical Practice Act;
  - (j) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
  - (k) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act;
  - (l) a physician assistant licensed under Chapter 70a, Physician Assistant Act;
  - (m) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or
  - (n) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act.
- (3) "Qualified location" means:
  - (a) a clinic, hospital, church, or organization whose primary purpose is to sponsor, promote, or organize uncompensated health care services for people unable to pay for health care services; and
  - (b) is a location approved by the division.
- (4) "Remuneration or compensation" means the same as that term is defined in Section 58-13-3.
- (5) "Supervising professional" means a health care practitioner:
  - (a) who has an active license in the state in good standing;
  - (b) with a scope of practice that is appropriate for supervising the applicant as determined by the division and board; and
  - (c) who is practicing at the qualified location.
- (6) "Supervision" means:
  - (a) the level of supervision required for:
    - (i) a social service worker in Chapter 60, Mental Health Professional Practice Act;
    - (ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;
    - (iii) a recreational therapist technician in Chapter 40, Recreational Therapy Practice Act; and

- (iv) an occupational technician assistant in Chapter 42a, Occupational Therapy Practice Act; and
- (b) for the health care practitioners listed in Subsections (2)(a) through (m) and not included in Subsection (5)(a):
  - (i) entering into a delegation of service agreement with a supervising professional in accordance with Subsection 58-81-103(2);
  - (ii) having the ability to contact the supervising professional during the time the volunteer is providing volunteer services; and
  - (iii) for every 40 hours of volunteer service hours, meeting with the supervising professional.
- (7) "Volunteer" means the individual health care practitioner:
  - (a) will devote the health care practitioner's practice exclusively to providing care to the needy and indigent in the state:
    - (i) within:
      - (A) the practitioner's scope of practice; and
      - (B) the delegation of service agreement between the volunteer and the supervising professional; and
    - (ii) at a qualified location;
  - (b) will agree to donate professional services in a qualified location; and
  - (c) will not receive remuneration or compensation for the health care practitioner's services.

Amended by Chapter 238, 2016 General Session

**58-81-103 Eligibility for volunteer health care practitioner license -- Delegation of service agreement.**

- (1) A health care practitioner is eligible to apply to the division and board for a volunteer health care practitioner license if the health care practitioner:
  - (a) certifies to the division and board that the applicant will be engaged exclusively in volunteer health care services; and
  - (b) completes an application for a volunteer health care practitioner license, which includes documentation:
    - (i) of professional education, exams passed, and graduation;
    - (ii) of practice history;
    - (iii) of a qualified location for which the health care practitioner will be practicing;
    - (iv) identifying the supervising health care practitioner and the supervising health care practitioner's delegation of service agreement with the volunteer practitioner; and
    - (v) that the applicant has:
      - (A) previously been issued an unrestricted license to practice in Utah, another state of the United States, or a district or territory of the United States;
      - (B) never been the subject of any significant disciplinary action in any jurisdiction; and
      - (C) is in good health and does not have a condition which would impair the health care practitioner's ability to practice with reasonable skill and safety to patients.
- (2) A health care provider who has agreed to be a supervising professional for a volunteer at a qualified location shall:
  - (a) enter into a delegation of service agreement with the volunteer health care practitioner;
  - (b) agree to provide the level of supervision required in Subsection 58-81-102(6);
  - (c) determine with the volunteer whether the volunteer's scope of practice or ability to prescribe controlled substances will be limited by the delegation of service agreement;

- (d) include in the delegation of service agreement that the volunteer may not prescribe a controlled substance to himself, the volunteer's family, or a staff member of the qualified location; and
- (e) forward the delegation of service agreement to the division.

Amended by Chapter 49, 2014 General Session

**58-81-104 Volunteer health care practitioner license -- Waiver of fees -- Rulemaking authority.**

- (1) The division and board shall issue a volunteer health care practitioner license to an applicant who:
  - (a) completes an application under Section 58-81-103; and
  - (b) meets the requirements of this chapter.
- (2) A license issued under this chapter shall:
  - (a) comply with the scope of practice for a similarly situated licensed practitioner, except that the license shall limit the health care practitioner's practice to the qualified location;
  - (b) permit the health care practitioner to apply for a controlled substance license as permitted for other similarly situated licensed practitioners; and
  - (c) state that the license is a volunteer health care practitioner license and is subject to the restriction of Subsection (2)(a).
- (3) The division and board shall waive all division fees, including application fees, examination fees, and annual renewal fees for an applicant who applies for a volunteer health care practitioner license and who otherwise meets licensure requirements.
- (4) The division and board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  - (a) approve the charity locations that qualify under Section 58-81-102;
  - (b) develop standards for the information that must be included in a delegation of service agreement, including a standard form that a supervising professional may use; and
  - (c) implement the provisions of this chapter.
- (5) A health care practitioner who is licensed as a volunteer health care practitioner under this chapter is entitled to qualified immunity for charity care if the health care practitioner meets the requirements of Section 58-13-3.

Enacted by Chapter 263, 2009 General Session